



House of Representatives

File No. 752

General Assembly

January Session, 2001

(Reprint of File No. 37)

Substitute House Bill No. 6656
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 10, 2001

AN ACT CONCERNING CREDIT FOR PRESENTENCE CONFINEMENT IN A POLICE OR COURTHOUSE LOCKUP.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 18-98d of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) (1) Any person who is confined to a community correctional
4 center or a correctional institution for an offense committed on or after
5 July 1, 1981, under a mittimus or because such person is unable to
6 obtain bail or is denied bail shall, if subsequently imprisoned, earn a
7 reduction of [his] such person's sentence equal to the number of days
8 which [he] such person spent in such facility from the time [he] such
9 person was placed in presentence confinement to the time [he] such
10 person began serving the term of imprisonment imposed; provided
11 [(1)] (A) each day of presentence confinement shall be counted only
12 once for the purpose of reducing all sentences imposed after such
13 presentence confinement; and [(2)] (B) the provisions of this section
14 shall only apply to a person for whom the existence of a mittimus, an
15 inability to obtain bail or the denial of bail is the sole reason for [his]

16 such person's presentence confinement, except that if a person is
17 serving a term of imprisonment at the same time [he] such person is in
18 presentence confinement on another charge and the conviction for
19 such imprisonment is reversed on appeal, such person shall be
20 entitled, in any sentence subsequently imposed, to a reduction based
21 on such presentence confinement in accordance with the provisions of
22 this section. In the case of a fine, each day spent in such confinement
23 prior to sentencing shall be credited against the sentence at the rate of
24 ten dollars.

25 (2) (A) Any person convicted of any offense and sentenced on or
26 after October 1, 2001, to a term of imprisonment who was confined to a
27 police station or courthouse lockup in connection with such offense
28 because such person was unable to obtain bail or was denied bail shall,
29 if subsequently imprisoned, earn a reduction of such person's sentence
30 in accordance with subdivision (1) of this subsection equal to the
31 number of days which such person spent in such lockup, provided
32 such person at the time of sentencing requests credit for such
33 presentence confinement. Upon such request, the court shall indicate
34 on the judgment mittimus the number of days such person spent in
35 such presentence confinement.

36 (B) Any person convicted of any offense and sentenced prior to
37 October 1, 2001, to a term of imprisonment, who was confined in a
38 correctional facility for such offense on the effective date of this act
39 shall be presumed to have been confined to a police station or
40 courthouse lockup in connection with such offense because such
41 person was unable to obtain bail or was denied bail and shall, unless
42 otherwise ordered by a court, earn a reduction of such person's
43 sentence in accordance with the provisions of subdivision (1) of this
44 subsection of one day.

45 (C) The provisions of this subdivision shall not be applied so as to
46 negate the requirement that a person convicted of a first violation of
47 subsection (a) of section 14-227a and sentenced pursuant to
48 subparagraph (B)(i) of subdivision (1) of subsection (h) of said section

49 serve a term of imprisonment of at least forty-eight consecutive hours.

50 (b) In addition to any reduction allowed under subsection (a) of this
51 section, if such person obeys the rules of the facility [he] such person
52 may receive a good conduct reduction of any portion of a fine not
53 remitted or sentence not suspended at the rate of ten days or one
54 hundred dollars, as the case may be, for each thirty days of
55 presentence confinement; provided any day spent in presentence
56 confinement by a person who has more than one information pending
57 against [him] such person may not be counted more than once in
58 computing a good conduct reduction under this subsection.

59 (c) The Commissioner of Correction shall be responsible for
60 ensuring that each person to whom the provisions of this section apply
61 receives the correct reduction in such person's sentence; provided in no
62 event shall credit be allowed under subsection (a) of this section in
63 excess of the sentence actually imposed.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Significant Savings, Potential Minimal Savings

Affected Agencies: Department of Correction, Judicial Department

Municipal Impact: None

Explanation

State Impact:

Section 2(A) of the bill requires credit be given for confinement time spent in a courthouse or police lock-up for those convicted and sentenced on or after October 1, 2001. This essentially conforms statute to current practice and does not result in a fiscal impact. However, in the small number of cases in which such credit is not given even though requested, minimal savings would result.

Section 2(B) of the bill results in significant savings by reducing the length of sentenced confinement by one day for individuals that were convicted and sentenced for an offense that occurred prior to October 1, 2001. About 20,000 individuals are released from the Department of Correction (DOC) per year each of whom would be released one day earlier under the bill regardless of the amount of time spent in a police or courthouse lock-up. This would result in DOC savings of up to \$1.5 million in the first year following passage with a declining amount of savings per year thereafter. It should be noted that the bill's

provisions do not apply to those convicted of drunk driving for the first time.

House “A” resulted in the savings of up to \$1.5 million described above. It also reduced several million dollars per year in savings to potential minimal savings by not requiring the Judicial Department to routinely note the number of days of lock-up confinement for sentence calculation purposes. In addition, it eliminated the revenue loss in the original bill associated with requiring a \$10 credit against the fine imposed upon defendants for each day spent in confinement.

OLR Amended Bill Analysis

sHB 6656 (as amended by House "A")*

AN ACT CONCERNING CREDIT FOR PRESENTENCE CONFINEMENT IN A POLICE OR COURTHOUSE LOCKUP.

SUMMARY:

This bill gives a person sentenced for an offense on or after October 1, 2001 credit when calculating his prison sentence for time spent before sentencing confined in a police station or courthouse lockup because he could not obtain or was denied bail. The person must request the credit at sentencing, and the court, on request, must indicate on the mittimus (court order to take a person into custody) the number of days a person spent in presentence confinement. A person receives one day of credit for each day of presentence confinement.

The bill presumes that a person was confined in a police station or courthouse lockup because he could not obtain or was denied bail and gives him a one-day credit toward his sentence if he (1) is confined in a correctional facility on October 1, 2001 for an offense and (2) was sentenced for the offense before October 1, 2001. The court can order otherwise.

The bill cannot be applied to prevent a person convicted of driving under the influence (DUI) for the first time from serving at least the mandatory minimum 48 consecutive hours in prison.

Under current law, a person receives credit towards his sentence and fine for time confined prior to sentencing in a community correctional center or correctional institution under a mittimus or because he could not obtain or was denied bail.

*House Amendment "A" (1) allows credit for those sentenced on or after October 1, 2001 rather than for those with offenses committed on or after October 1, 2001, (2) includes the presumption of one-day credit for someone sentenced before October 1, 2001, (3) includes the provision on the 48-hour mandatory sentence for first DUI convictions, and (4) eliminates credit toward a fine for confinement in police

stations and courthouse lockups.

EFFECTIVE DATE: October 1, 2001

BACKGROUND

Legislative History

The House referred the bill (File 37) to the Appropriations Committee on March 15. The committee reported it favorably without changes on April 19.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0

Appropriations Committee

Joint Favorable Report

Yea 51 Nay 0